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AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE HOCKING HALE AFFORDABLE RENTAL PROJECT IN CHINATOWN, O'AHU.

WHEREAS, the Hocking Building, LP (Applicant) proposes to develop the Hocking Hale Project on approximately 14,980 square feet of land zoned BMX-4 Central Business Mixed Use District and the Chinatown Special District located at 2 North King Street within the Chinatown neighborhood of Honolulu, Oʻahu, and identified as Tax Map Key 1-7-003: 001, (the "Project"); and

WHEREAS, as proposed, the Project will convert an existing three-story commercial building into a multi-family dwelling consisting of 39 affordable rental units, one market-rate manager's unit, and residential amenities including a community room, laundry room, fitness center, and courtyard; and

WHEREAS, as proposed, the Project will consist of 39 affordable dwelling units rented to households earning between 30 and 50 percent of the Area Median Income (AMI) determined by the U.S. Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area as adjusted for household size (four units will be affordable to households earning 30 percent of the AMI or below and 35 units will be affordable to households earning 50 percent of the AMI or below); and

WHEREAS, all affordable dwelling units will remain affordable for a minimum period of 65 years; and

WHEREAS, the Project is eligible to receive consideration under the City's Rules implementing Section 201H-38 of the Hawai'i Revised Statutes (HRS), which require that at least 50 percent of a project's total units must be available to households earning 80 percent of the AMI or below and at least 31 percent of the project's total units must be available to households earning between 81 percent and 120 percent of the AMI; and

WHEREAS, the City Council is empowered and authorized to approve the Project which may include exemptions from statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivision, development and improvement of land, and the construction of units thereon pursuant to HRS Sections 46-15.1 and 201H-38, and

WHEREAS, the City Council has reviewed the preliminary plans and specifications for the Project, dated June 3, 2022, prepared by CDS International (Plans and Specifications), and submitted to the City Council by the Department of Planning and Permitting (DPP) on 09/07/232023 by Departmental Communication 643 ; and



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WHEREAS, the Project is consistent with the housing and community development goals and objectives of the City; and

WHEREAS, the granting of the exemptions is necessary for the timely and successful implementation of the Project; and

WHEREAS, the Project does not contravene any safety standards, tariffs, rates, or fees approved by the Public Utilities Commission or the Board of Water Supply; and

WHEREAS, the exemptions authorized herein meet the intent of HRS Chapter 201H, and minimum requirements of health and safety; now, therefore,

BE IT RESOLVED by the City Council of the City and County of Honolulu that it approves the Project, which approval includes exemptions from certain requirements for the Project as set forth in the Plans and Specifications for the Project, as follows:

### **Application Fees:**

- 1. Exemption from Section 18-6.1, Revised Ordinances of Honolulu (ROH), regarding payment of plan review fees, estimated at \$14,173.70.
- 2. Exemption from Section 18-6.2, ROH, regarding payment of building permit fees, estimated at \$70,868.50.

#### Park Dedication Ordinance:

 Exemption from ROH Chapter 22, Article 7, to allow an exemption from park dedication requirements, estimated at 4,400 square feet of park space, or payment of an equivalent in-lieu fee, estimated at \$1,240,800.

BE IT FURTHER RESOLVED that the Project is approved subject to the following conditions:

A. Except as modified herein, development must be in general conformance with the approved Project, as described herein and shown on plans and drawings labeled as Exhibits C-1 through C-6, attached hereto and made a part hereof. Minor changes may be approved by the DPP Director. Major modifications to the Project will require approval by the City Council.



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B. Prior to the issuance of any building permit for the Project, the Applicant must execute a 201H Agreement with the DPP Director that includes terms, conditions, and provisions to facilitate the efficient development and monitoring of the Project, and to ensure the Project's compliance with the requirements of Chapter 201H, HRS, and this resolution; and

BE IT FURTHER RESOLVED that references to specific statutes, ordinances, or regulations include respective successor statutes, ordinances, or regulations; and

BE IT FURTHER RESOLVED that the exemptions granted for this Project are not transferable to any other real property; and

BE IT FURTHER RESOLVED that this resolution is null and void unless construction of the Project commences no later than 60 months after the adoption of this resolution; and

BE IT FURTHER RESOLVED that the final plans and specifications for the Project constitute the zoning, building, and construction standards for the Project and are approved if those plans and specifications do not substantially deviate from the Plans submitted to the City Council; provided that minor modifications to the design character, specifications of the building, or landscaping, may be approved by the DPP, if such modifications are consistent with the prevailing neighborhood character; and

BE IT FURTHER RESOLVED that no action may be prosecuted or maintained against the City and County of Honolulu, its officials or employees, on account of actions taken by them in reviewing or approving the preliminary plans and specifications or in granting these exemptions listed herein; and

BE IT FURTHER RESOLVED that the Director of the DPP is authorized to execute and record the 201H Agreement referenced in Condition B, pursuant to the terms, conditions, and provisions approved as to form and legality by the Corporation Counsel as being necessary, advisable, or desirable for the purpose of carrying out this resolution; and

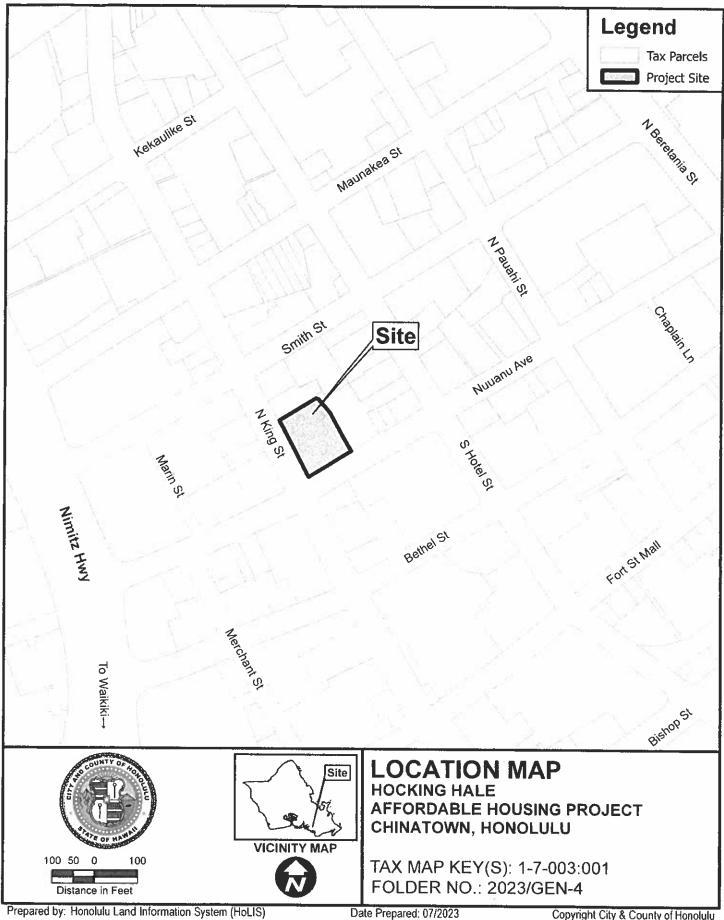
BE IT FURTHER RESOLVED that the Director of the DPP is hereby authorized to execute any incidental or related documents to carry out the transactions, above described, as long as said documents do not increase either directly or indirectly the financial obligations of the City; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director of the DPP, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; Kevin Unemori, Hocking Building, LP, 1600 Ala Moana Boulevard, Suite 103, Honolulu, Hawai'i, 96815; and Isaiah Sato, R.M. Towill Corporation, 2021 North King Street, Suite 200, Honolulu, Hawai'i, 96819.

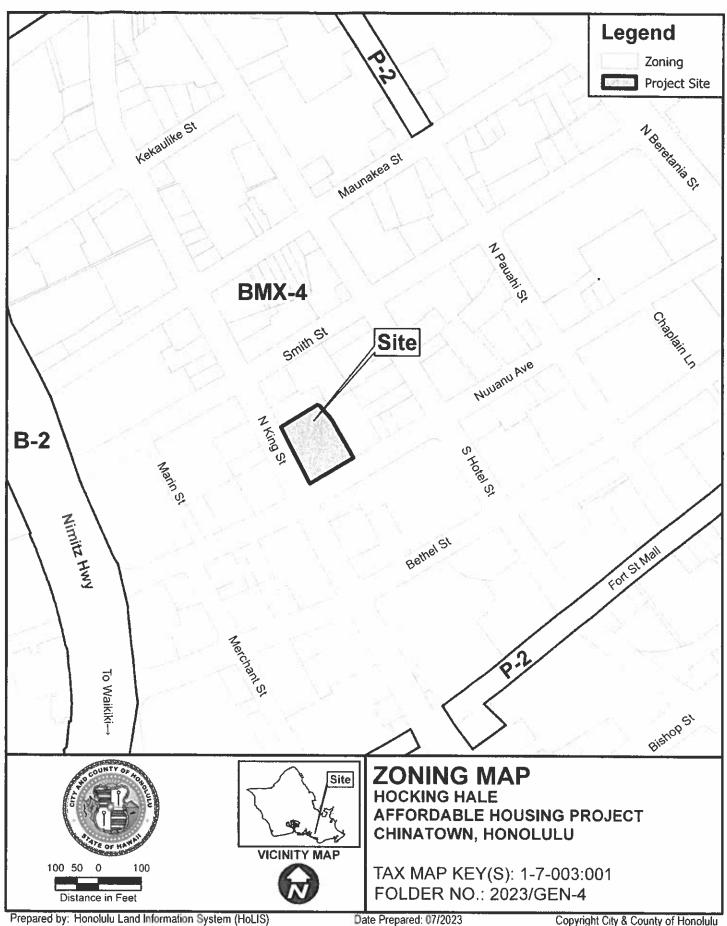
	INTRODUCED BY: (b)	r
DATE OF INTRODUCTION:		
SEP 7 2023	Councilmomhore	



Prepared by: Honolulu Land Information System (HoLIS) Department of Planning & Permitting (DPP) City and County of Honolulu

**EXHIBIT A** 

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Prepared by: Honolulu Land Information System (HoLIS) Department of Planning & Permitting (DPP) City and County of Honolulu

**EXHIBIT B** 

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